

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER DISMISSAL OF APOST DECREE≡)	Administrative Order
DOMESTIC RELATIONS CASES WITHOUT)	No. 97 - 056
FURTHER NOTICE FOR LACK OF SERVICE)	
_____)	

Arizona Rule of Civil Procedure 4 (i) provides that if service of the summons and complaint is not made upon a defendant within 120 days after filing the complaint, the action shall be dismissed as to that defendant without prejudice upon the court=s own initiative with notice to such party or upon motion. This rule does not appear to specifically address dismissals for lack of service of cases filed as Apost decree≡ or A subsequent proceedings≡.

A Petition or Request filed as a Apost decree≡ matter may be **dismissed without prejudice** by signed order of the court on the court=s initiative or motion and **without further notice** to the parties if Court Administration or the Clerk of Court provided advance notice to the party on whose behalf such service was required that no further notice shall be given and the case shall be dismissed without prejudice if *service of the petition or request* is not complete within 120 days of filing unless good cause is shown and the delay is authorized by order of the court;

DONE this 30th day of October, 1997.

/s/ _____
Barry C. Schneider
Presiding Judge, Domestic Relations Department

Original: Clerk of the Superior Court